



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT

#16
A2000
6/25/01

In Re Application of: Brown et al.
Application No.: 09/197,278
Filed: November 20, 1998
For: Improved Longitudinally Flexible Stent
Examiner: L. Ngo
Group Art Unit: 3731

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MAY 24 2001

TECHNOLOGY CENTER R3700

Commissioner for Patents
Washington, D.C. 20231

Docket No.:S63.2-6769

INTERVIEW SUMMARY

This Interview Summary is submitted in response to the telephone interview conducted April 19, 2001 and in response to the Interview Summary transmitted via facsimile April 19, 2001 and mailed April 24, 2001. In the telephone interview the pending claims were discussed with respect to 1) Von Oepen (US 6,017,365) and 2) Ersek (US 3,657,744). Also, the amendment submitted April 19, 2001 was discussed.

With respect to the Von Oepen reference, the Examiner indicated that the Declaration of Tim Ley would not overcome the Von Oepen rejection. Applicant pointed out that the Von Oepen rejection was based on 35 USC 102(e) and the Examiner indicated that the claims could be rejected under 35 USC 102(a) on the basis of Von Oepen's foreign application priority.

With respect to the Ersek reference, the Examiner indicated that the independent claims would be rejected on the basis of Ersek. It was not clear to Applicant how Ersek would be applied and Applicant requested that the Examiner send the Applicant an illustration of how Ersek would be applied. The illustration was transmitted to the Applicant via facsimile along with an Interview Summary on April 19, 2001.

Finally, the Examiner indicated that the amendment submitted April 19, 2001 contains new matter. Specifically, the Examiner identified the language of "...interconnecting elements extend from every third peak" and "...interconnecting elements extend from every third

trough" as not being supported by the application as filed. The Examiner contended that the figures as filed show connectors extending from every fourth peak (trough). Applicant attempted to explain that the figures support the claim language.

No agreement was reached on the above issues. Applicant maintains that the subject matter of the pending claims is patentable over Von Oepen and Ersek and will be submitting additional remarks on this issue shortly. Applicant also maintains that the claims are fully supported by the application as filed and will address this issue as well shortly.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS, P.A.

Date: May 17, 2001

By: 

Jonathan Grad

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of: Brian J. Brown, et al.
Application No.: 09/197,278
Filed: November 20, 1998
For: LONGITUDINALLY FLEXIBLE
EXPANDABLE STENT
Examiner: Lien Ngo
Group Art Unit: 3731

Commissioner for Patents
Washington, DC 20231

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TRANSMITTAL LETTER

1. In regard to the above-identified application, we are submitting the attached:
2 page Interview Summary; VAS transmittal; and postcard

2. With respect to fees:

- ☒ No additional fee is required.
☐ Attached is check(s) in the amount of \$0
☐ Charge additional fee to our Deposit Account No. 22-0350.

3. **CONDITIONAL PETITION FOR EXTENSION OF TIME**

This conditional petition is being filed along with the papers identified in Item 1 above and provides for the possibility that Applicant has inadvertently overlooked the need for a petition and fee for extension of time or for a petition and fee for any other matter petitionable to the Commissioner as required. If any extension of time for the accompanying response is required or if a petition for any other matter is required, by petitioner, Applicant requests that this be considered a petition therefor.

4. Notwithstanding paragraph 2 above, if any additional fees associated with this communication are required and have not otherwise been paid, including any fee associated with the Conditional Petition for Extension of Time, or any request in the accompanying papers for action which requires a fee as a petition to the Commissioner, please charge the additional fees to Deposit Account No. 22-0350

VIDAS, ARRETT & STEINKRAUS

Date: May 17, 2001

By:


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Certificate Under 37 CFR 1.8: I hereby certify that this Transmittal Letter and the paper(s) as described herein, are being deposited in the U.S. Postal Service, as First Class Mail, addressed to Commissioner for Patents, Washington D.C. 20231, on May 17, 2001.


Rebecca M. Painschab

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